



**Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**  
Irish Human Rights and Equality Commission

Email: [access@hea.ie](mailto:access@hea.ie)

Dr Alan Wall,  
Chief Executive Officer,  
Higher Education Authority,  
3 Shelbourne Buildings,  
Crampton Avenue,  
Shelbourne Road,  
Ballsbridge,  
Dublin 4.

Wednesday 16 June 2021.

**Re: National Access Plan 2022 – 2026 and Section 42 of the Irish Human Rights and Equality Commission Act 2014 – the Public Sector Equality and Human Rights Duty**

Dear Dr. Wall,

The Irish Human Rights and Equality Commission (“the Commission”) note that the Higher Education Authority and the Department of Further and Higher Education, Research, Innovation and Science are working in partnership in the development of the next National Access Plan for the period 2022 – 2026 and have opened a public consultation process. The Commission would like to take this opportunity to draw your attention to your institution’s statutory obligations under Section 42 of the Irish Human Rights and Equality Commission Act 2014, the Public Sector Equality and Human Rights Duty (“the Public Sector Duty”).

As you know, the Public Sector Duty is a statutory obligation on public bodies, in the performance of their functions, to have regard to the need to eliminate discrimination, promote equality of opportunity and protect human rights of staff and service users. It requires public bodies to assess, address and report on progress in relation to equality and human rights, in a manner that is accessible to the public.

The National Access Plan 2022 – 2026 consultation paper emphasizes the importance of equity of access to education as it has the power to transform lives and that is rooted in principles of equality and social inclusion which have been a longstanding national policy priority in Ireland. The Public Sector Duty is a key mechanism that can be utilised by public bodies in the education sector in achieving goals and objectives and contributing to creating a society that breaks down cycles of disadvantage and embraces diversity.

The Commission sees great potential for the Higher Education Authority and the Department of Further and Higher Education, Research, Innovation and Science to play a leadership role in the implementation of the Public Sector Duty in the Higher Education sector and to incorporate human rights and equality as a central aspect of how you carry out your functions, including regulatory and oversight functions. The Public Sector Duty provides an important framework to systematically consider and reflect the particular needs of staff and service users at risk of inequality, discrimination and socio-economic marginalisation and helps to mitigate and avoid unintended consequences.

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The Commission's role in relation to the Public Sector Duty includes guidance, support, monitoring and enforcement. As part of its functions, the Commission can give guidance to and encourage public bodies in developing policies and good practice in relation to human rights and equality. Since 2016, the Commission has engaged extensively with public bodies to raise awareness of the Public Sector Duty and support effective implementation. In the Higher Education sector we facilitated a pilot project on implementing the Public Sector Duty with University College Cork and funded a number of initiatives through our grants scheme, for example with University College Dublin.

In March 2019, our core guidance was formally communicated to the heads of all public bodies, alongside a public awareness campaign. This guidance document provides public bodies with information about the Public Sector Duty, its context as it relates to human rights and equality provisions in Ireland, and sets out key steps for its implementation. In 2020, complementary guidance was published and disseminated to the heads of all public bodies and is available on our website at [www.ihrec.ie/our-work/public-sector-duty](http://www.ihrec.ie/our-work/public-sector-duty).

In November 2019 the Commission hosted a high level roundtable event for regulatory and oversight bodies to support implementation of the Public Sector Duty. The Higher Education Authority was represented at this event by Dr. Ross Woods and this event highlighted the core requirements of the Public Sector Duty in the context of developing Strategic Plans and explored ways to support compliance with the Public Sector Duty through the multiplier effect that regulatory and oversight bodies can provide.

Implementing the Public Sector Duty has an important role to play in supporting Higher Education Institutions to respond positively to the diversity in Irish society and improve the quality of service delivery and the experience of staff in the workplace. In particular the Public Sector Duty provides an important opportunity for regulatory and oversight bodies to build on good practice and embed equality and human rights into their functions and processes, for example, guidance, standards, indicators, inspections and decisions.

The Commission would encourage the Higher Education Authority and the Department of Further and Higher Education, Research, Innovation and Science to include an explicit reference to the Public Sector Equality and Human Rights Duty in the forthcoming National Access Plan 2022-2026 and communicate to all Higher Educational institutions the importance of implementing the Public Sector Duty as a key way to ensure equality of access to education for a diversity of people in Ireland.

Thank you for your attention in regard to this important matter and please do not hesitate to contact the Commission if you require further information.

Yours sincerely,

Laurence Bond  
Director

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